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MORRISON & FOERSTER LLP

Attorneys at Law
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

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JUL 31 2003

PETITIONS OFFICE

To: U. S. Patent and Trademark Office
Office of Petitions (Patent)

Facsimile: (703) 308-6916
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From: Peter J. Yim**Date:** July 31, 2003

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Comments:

Re:U.S. Patent Application No. 10/066,555
For: OVERLAY MEASUREMENTS USING PERIODIC
GRATINGS
By: Joerg BISCHOFF, et al.
Our reference: 50998-2003300

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 308-6916, on the date shown below.

Dated: July 31, 2003 Signature: Valerie Cohen
(Valerie Cohen)

Docket No.: S09982003300
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Joerg BISCHOFF et al.

Application No.: 10/066,555

Group Art Unit: 2863

Filed: January 31, 2002

Examiner: To Be Assigned

For: **OVERLAY MEASUREMENTS USING
PERIODIC GRATINGS**

COMMUNICATION REGARDING PETITION FOR REVIVAL

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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PETITIONS OFFICE

Dear Sir:

This office filed a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f)) on May 2, 2003 (copy attached). To date this office has not received a decision from the Office of Petitions regarding the Petition for Revival.

The international application filing date of the above application is January 24, 2003 and has been assigned PCT/US03/02201.

Applicants respectfully request a report as to the status of the Petition for Revival.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Commissioner to charge the cost

Application No.: 10/066,555

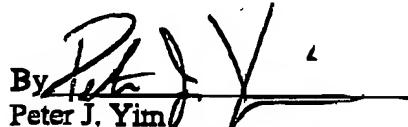
2

Docket No.: 509982003300

of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 509982003300.

Dated: July 31, 2003

Respectfully submitted,

By 
Peter J. Yim

Registration No.: 44,417
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105
(415) 268-6373
Attorneys for Applicant

MORRISON & FOERSTER LLP

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To: U. S. Patent and Trademark Office
Office of Petitions (Patent)

Facsimile: (703) 308-6916
Phone: (703) 308-6199
5

From: Peter J. Yim

Date: May 2, 2003

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Comments:

DOCKET NO.: 509982003300

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GROUP ART UNIT: 2857

JUL 31 2003

EXAMINER: Not Assigned

PETITIONS OFFICE

SERIAL NO.: 10/066,555

FILING DATE: January 31, 2002

INVENTOR(S): Joerg BISCHOFF, et al.

TITLE: OVERLAY MEASUREMENTS USING PERIODIC GRATINGS

Papers attached:

1. Transmittal (1 Page)
2. Fee Transmittal w/duplicate copy for fee processing (2 Pages)
3. Petition F or Revival of an Application F or Patent Abandoned For Failure To Notify The Office of a Foreign or International Filing (2 Pages)
4. Facsimile Cover Sheet

DOCKETED *ajr*

COPYPlease type a plus sign (+) inside this box → PTC/SB/21 (06-00)
Approved for use through 10/31/02. OMB 0651-0031U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

Application Number	10/088,685
Filing Date	January 31, 2002
First Named Inventor	Joerg BISCHOFF
Group Art Unit	2857
Examiner Name	To Be Assigned
Total Number Of Pages In This Submission	6
Attorney Docket No.	60998-2003300

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form w/duplicate copy for fee processing (2 Pages) | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input checked="" type="checkbox"/> Petition (2 Pages) | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Facsimile Cover Sheet |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | <input type="checkbox"/> Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

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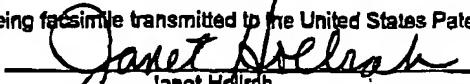
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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Peter J. Yim (Reg. No. 44,417) Morrison & Foerster LLP 425 Market Street San Francisco, California 94105-2482
Signature	
Date	May 2, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on May 2, 2003.



Janet Holbrook

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032
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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27
TOTAL AMOUNT OF PAYMENT (\$)
\$1,300.00

Complete if Known

Application Number	10/088,555
Filing Date	January 31, 2002
First Named Inventor	Joerg BISCHOFF
Examiner Name	To Be Assigned
Group Art Unit	2857
Attorney Docket No.	509982003300

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METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None
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Deposit Account Number
03-1952Deposit Account Name
Morrison & Foerster LLP

The Commissioner is hereby authorized to: (check off that apply)

- Charge fee(s) indicated below Credit any overpayments
- Charge any additional fee(s) during the pendency of this application
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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	550	2002	185	Design filing fee	
1003	520	2003	280	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	- 10 =	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 10 =			
Multiple Dependent				

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	8	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	" Reissue independent claims over original patent	
1205	18	2205	8	" Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					

- or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

PETITIONS OF FICE

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 65 Extension for reply within first month	
1252	410	2252 208 Extension for reply within second month	
1253	830	2253 465 Extension for reply within third month	
1254	1,450	2254 725 Extension for reply within fourth month	
1255	1,870	2255 985 Extension for reply within fifth month	
1401	320	2401 160 Notice of Appeal	
1402	320	2402 160 Filing a brief in support of an appeal	
1403	280	2403 140 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 65 Petition to revive - unavoidable	
1453	1,900	2453 650 Petition to revive - unintentional	1,300.00
1501	1,300	2501 650 Utility issue fee (or reissue)	
1602	470	2502 235 Design issue fee	
1503	630	2503 315 Plant issue fee	
1460	130	1460 180 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	750	2809 375 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810 375 For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801 875 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3)	\$1,300.00

SUBMITTED BY		Complete if applicable	
Name (Print/Type)	Peter J. Yim	Registration No. (Attorney/Agent)	44,417
Signature	<i>Peter J. Yim</i>	Telephone	(415) 268-6373
		Date	May 2, 2003

PTO/SB/64a (05-03)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL
FILING (37 CFR 1.137(f))**Docket Number (Optional)
509982003300First named inventor: **Joerg BISCHOFF, et al.**Application No.: **10/066,555**Art Unit: **2857**Filed: **1/31/02**Examiner: **Not assigned**Title: **OVERLAY MEASUREMENTS USING PERIODIC GRATINGS**

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (703) 308-6916

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The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.197(b)**

1. Petition fee

- Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- Other than small entity - fee \$ 1300.00 (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is January 22, 2003.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/64a (05-03)

Approved for use 12/22/2002 OMB 0651-0031

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.
 [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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May 2, 2003

Date

Telephone
Number: 415-268-6373Peter J. Yim (Reg. No. 44,417)

Signature

Peter J. Yim

Typed or printed name

425 Market Street

Address

San Francisco, CA 94105-2482Enclosures: Fee Payment

- Additional sheets containing statements establishing unintentional delay
- Other: Fax cover sheet 1 pg.; transmittal 1 pg.; fee transmittal (in duplicate)

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6816.

May 2, 2003

Date

Janet Hollrah

Signature

Janet Hollrah
Type or printed name of person signing certificate